

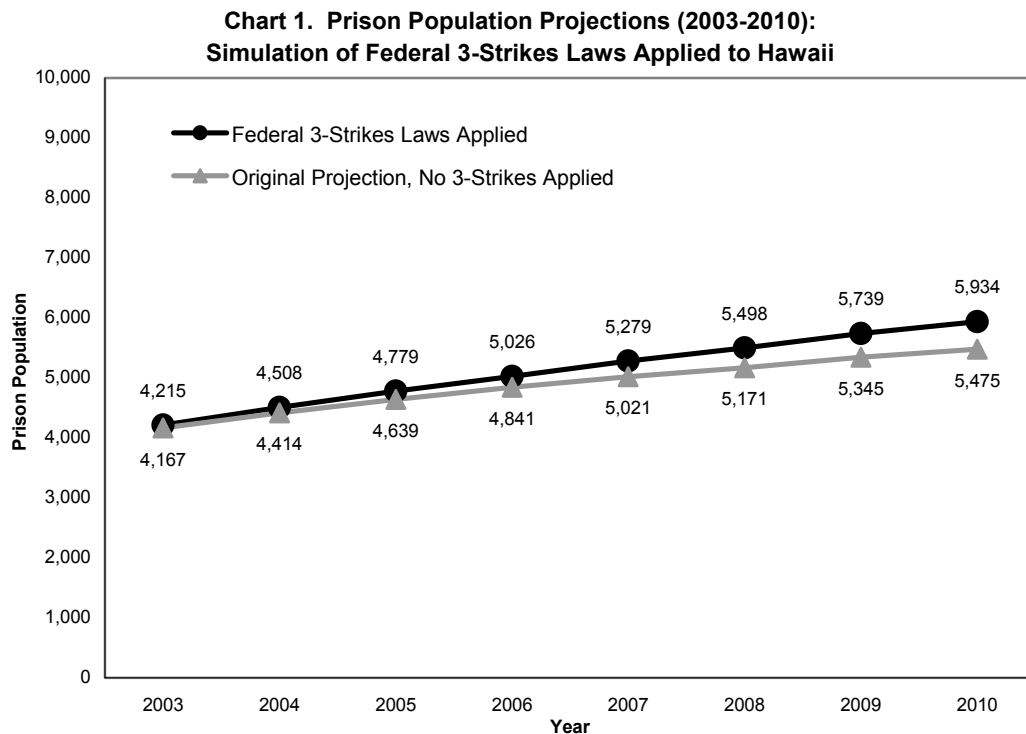
SENTENCING SIMULATION PROJECT (SSMP)
CORRECTIONS POPULATION MANAGEMENT COMMISSION

SENTENCING POLICY ANALYSIS

Simulation: Application of FEDERAL 3-Strikes Laws to Hawaii

Existing Law: Hawaii currently does not have a 3-Strikes Law, though does have sentencing laws regarding repeat offenders and enhanced terms.

Simulated Sentencing Changes: Application of Federal 3-Strikes law with the following conditions: (1) priors are calculated using Hawaii's current law, and (2) historical 'strikeable' offenses are all felonies. For this simulation, based on Federal law, sentences for 3 strikes receive mandatory life in prison.



Prison Impact: With this law applied, the prison population is projected to increase by 8.4% by the year 2010. Population increases of this magnitude would continue past 2010.

Parole Impact: The parole population would decrease by 2.2% by 2010. Continued decreases would occur in the future. See Chart 3 (next page).

Probation Impact: The felony probation population will decrease by 3% by 2010. This trend would continue into the future. See Chart 2 (next page).

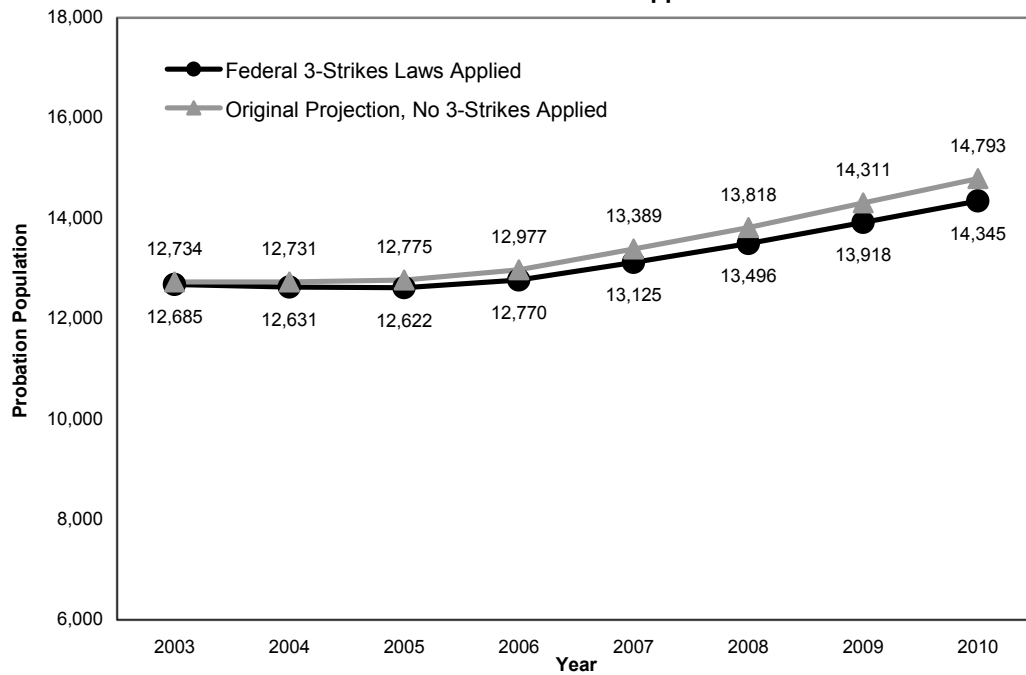
The Sentencing Simulation Project produces an Annual Report that details projected baseline data. This simulation is compared to those projected data.

This report is viewable and downloadable on the internet at: <http://www.hawaii.gov/psd/cpmc/>

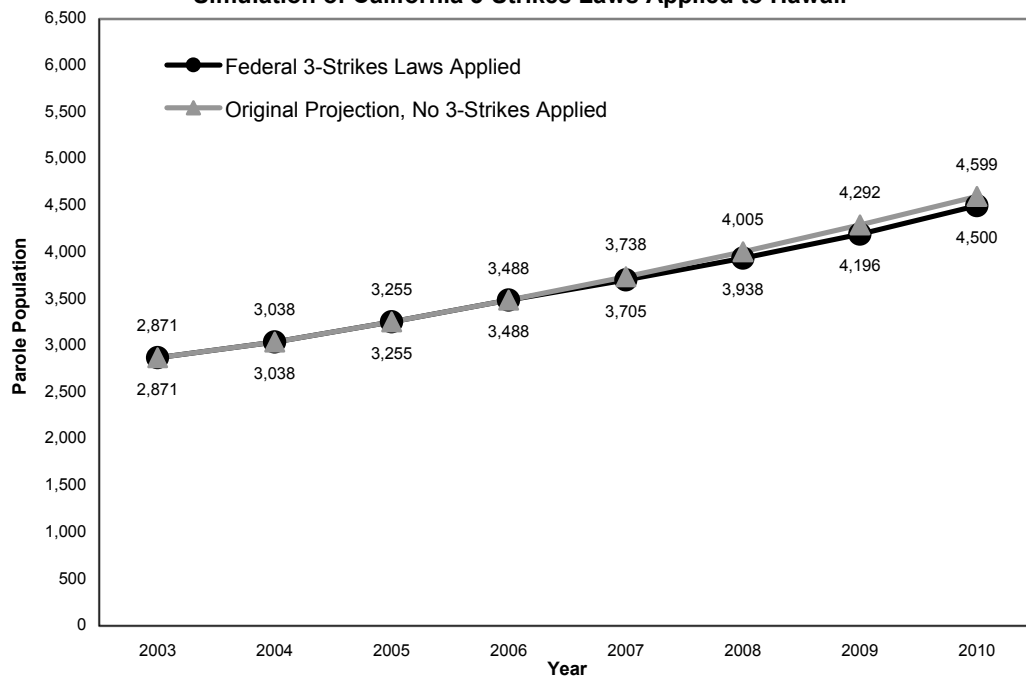
Net Yearly Correctional Population Impacts:

Table 1. Population Impacts	2003	2004	2005	2006	2007	2008	2009	2010
Total felony prison population	+47	+94	+140	+185	+258	+328	+394	+460
Parole Population under Supervision	-50	-100	-153	-208	-264	-322	-393	-449
Probation Population under Supervision	0	0	0	0	-33	-67	-97	-100

**Chart 2. Felony Probation Population Projections (2003-2010):
Simulation of Federal 3-Strikes Laws Applied to Hawaii**



**Chart 3. Parole Population Projections (2003-2010):
Simulation of California 3-Strikes Laws Applied to Hawaii**



Population Impacts

This law has two major components that affect the corrections populations: (1) more offenders would be sentenced to prison and less to probation, and (2) sentence lengths of those sentenced to prison would be longer. In terms of population projections, this would mean that the prison population would increase, the probation population would decrease slightly, and the parole population would decrease.

TABLE 2. Corrections Population Impacts		2003	2004	2005	2006	2007	2008	2009	2010
Total felony prison population	Federal 3-Strikes -- projected	4,215	4,508	4,779	5,026	5,279	5,498	5,739	5,934
	original projection	4,167	4,414	4,639	4,841	5,021	5,171	5,345	5,475
	% difference	1.1%	2.1%	3.0%	3.8%	5.1%	6.3%	7.4%	8.4%
Probation Population under Supervision	Federal 3-Strikes -- projected	12,685	12,631	12,622	12,770	13,125	13,496	13,918	14,345
	original projection	12,734	12,731	12,775	12,977	13,389	13,818	14,311	14,793
	% difference	-0.4%	-0.8%	-1.2%	-1.6%	-2.0%	-2.3%	-2.7%	-3.0%
Parole Population under Supervision	Federal 3-Strikes -- projected	2,871	3,038	3,255	3,488	3,705	3,938	4,196	4,500
	original projection	2,871	3,038	3,255	3,488	3,738	4,005	4,292	4,599
	% difference	0.0%	0.0%	-0.0%	-0.0%	-0.9%	-1.7%	-2.3%	-2.2%

TABLE 3. Prison Admissions & Source		2003	2004	2005	2006	2007	2008	2009	2010
Total Prison Admissions	Federal 3-Strikes -- projected	1,521	1,573	1,642	1,717	1,791	1,868	1,946	2,024
	original projection	1,474	1,526	1,596	1,672	1,755	1,836	1,918	1,998
	% difference	3.2%	3.0%	2.9%	2.7%	2.1%	1.7%	1.5%	1.3%
Newly Sentenced Felons	Federal 3-Strikes -- projected	866	889	920	952	987	1,017	1,044	1,067
	original projection	816	838	868	897	930	958	984	1,006
Probation Revocation, Re-Sentence to Prison	Federal 3-Strikes -- projected	178	179	183	189	195	202	208	214
	original projection	180	184	190	198	207	216	225	232
Parole Revocation, Return to Prison	Federal 3-Strikes -- projected	478	505	538	576	609	649	694	744
	original projection	478	505	538	576	618	662	709	760

TABLE 4. Prison Releases to Parole		2003	2004	2005	2006	2007	2008	2009	2010
Releases to parole	Federal 3-Strikes -- projected	1,066	1,143	1,224	1,312	1,373	1,472	1,579	1,693
	original projection	1,066	1,143	1,224	1,312	1,406	1,506	1,614	1,730
	% difference	0.0%	0.0%	0.0%	0.0%	-2.4%	-2.3%	-2.2%	-2.1%

Sentencing & Conviction

By applying this 3-Strikes structure, more offenders would be sentenced to prison instead of probation given their history of priors (an additional 1.7% would be sentenced to prison). Of those sentenced to prison, it was found that 7.8% would fit the criteria for being sentenced to mandatory life in prison.

TABLE 5. Sentencing & Conviction		2003	2004	2005	2006	2007	2008	2009	2010
Sentence to Prison	Federal 3-Strikes -- projected	866	889	920	952	987	1,017	1,044	1,067
	original projection	816	838	868	897	930	958	984	1,006
Sentences to felony probation	Federal 3-Strikes -- projected	2,049	2,104	2,178	2,253	2,335	2,406	2,470	2,526
	original projection	2,099	2,155	2,231	2,307	2,392	2,465	2,530	2,587

Differences between this Simulation & Federal Law: Enumeration of priors deemed 'strikes'

This simulation uses the instant/current offense as defined by the law, and the lifelong timeframe for inclusion of priors. However, the application herein of historical strikes includes ALL priors, instead of the defined “. . . two or more serious violent felonies or one serious violent felony offense AND one or more serious drug offense.” Therefore, this simulation will overestimate for those offenders where their priors were not “serious” as defined in the federal law.